

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby amends Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials,” Iowa Administrative Code.

These amendments clarify the rules governing the supervision of fluoroscopic procedures.

Notice of Intended Action was published in the September 23, 2009, Iowa Administrative Bulletin as **ARC 8161B**. The adopted amendments are identical to those published under Notice.

The Department received 283 comments on these amendments; the majority (206) were in support of the amendments. Eighty-three of these comments were from certified registered nurse anesthetists (CRNAs), 20 were from radiologic technologists, 19 were from CEOs and 37 were from physicians. Reasons for supporting the amendments were:

- Fluoroscopy provides a visual to make procedures safer for patients.
- In favor of the training and education requirements.
- Hospitals and clinics rely on CRNAs for anesthesia services.
- Access to care in rural areas of Iowa.
- It is a clarification of existing practice, and CRNAs have been using fluoroscopy safely.

The remaining 77 comments were in opposition to the amendments. Forty of these comments were from physicians, either anesthesiologists or radiologists, and 26 were from radiologic technologists. Reasons cited for opposing the amendments were:

- The rule is too broad and contradictory to national standards.
- CRNAs lack the necessary education and experience.
- It is outside the scope of practice for a CRNA to supervise fluoroscopy.
- Allowing CRNAs to supervise fluoroscopy means that they are interpreting images.

No changes were made to the Noticed rule based on overwhelming support of the noticed language. The following points are in response to the opposing comments:

- It was stated that the rule is contradictory to national standards, when in fact the practice of CRNAs supervising fluoroscopy is slowly gaining national recognition, although it has yet to be addressed. Additionally, the neighboring state of Nebraska recently proposed rules to allow CRNAs to use fluoroscopy.

- Currently there is an absence of dedicated radiation safety curriculum; however, the Iowa Board of Nursing rules adopted in August 2009 address the education concern. Likewise, there is proof of a long-standing practice of the safe utilization of fluoroscopy by CRNAs.

- The Iowa Board of Nursing’s position is that it is within the scope of practice for a CRNA to supervise fluoroscopy.

- Claiming that CRNAs are interpreting images is a misrepresentation of the utilization of fluoroscopy for the purpose of CRNA services. The fluoroscopy images provide a visual for guidance, not for diagnosis.

These amendments were adopted by the State Board of Health on March 10, 2010.

These amendments will become effective on May 12, 2010.

These amendments are intended to implement Iowa Code chapter 136C.

The following amendments are adopted.

ITEM 1. Rescind subparagraph **41.1(5)“I”(2)**.

ITEM 2. Renumber subparagraphs **41.1(5)“I”(3)** and **(4)** as **41.1(5)“I”(2)** and **(3)**.

ITEM 3. Adopt the following new paragraph **41.1(5)“n”**:

n. Supervision of fluoroscopy. The use of fluoroscopy by radiologic technologists and radiologic students shall be performed under the direct supervision of a licensed practitioner or an advanced registered nurse practitioner (ARNP), pursuant to 655—subrule 7.2(2), for the purpose of localization

to obtain images for diagnostic or therapeutic purposes. The use of fluoroscopy by radiologist assistants shall be as defined in 641—42.6(136C).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/7/10.